

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6747

BILL NUMBER: HB 1717

NOTE PREPARED: Jan 23, 2005

BILL AMENDED:

SUBJECT: Child Abuse and Neglect.

FIRST AUTHOR: Rep. Ripley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that in a proceeding for dissolution of marriage, for legal separation, or involving custody or visitation issues: (1) a court must advise a parent, custodian, or guardian that the parent, custodian, or guardian may request the court to appoint a *guardian ad litem* or special advocate if there has been a substantiated report of abuse or neglect of a child by a parent, custodian, or guardian and criminal charges were not filed and a Child in Need of Services petition was not filed or was dismissed; (2) the court must appoint a *guardian ad litem* or special advocate upon request from the parent, custodian, or guardian; and (3) the court and a *guardian ad litem* or special advocate, or both, may have access to reports and examinations relevant to a substantiated report of abuse or neglect of a child.

The bill provides that upon request and if a *guardian ad litem* or special advocate finds visitation is not in the best interests of the child, a court must hold a hearing to determine whether an order granting visitation should be modified.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill allows a parent to request a Court-Appointed Special Advocate (CASA) or *guardian ad litem* upon request from a parent, custodian, or guardian when (1) a report concerning the abuse or neglect of a child by a parent, custodian, or guardian has been classified as substantiated by a local child protection services agency, (2) criminal charges relating to the child abuse or neglect have not been filed, and (3) a petition alleging that the child is a Child in Need of Services (CHINS) has either not been filed or was dismissed upon a motion by a person representing the interests of the state. The Family and Social Services Administration (FSSA) reports that in FY 2004, 359 youth received a service case and 1,839 received an

informal adjustment case. This equals approximately 2,198 youth potentially falling under the requirements of this bill in FY 2004.

The National CASA office estimates the average annual cost per child to be \$800. Indiana CASA (IN CASA) has calculated the Indiana cost to be between \$450 and \$500. Assuming that all 2,198 youth would fall under the requirements of this bill, an increase in expenditures for the state would equal between \$989,100 and \$1.1 M.

Background Information: The Indiana Supreme Court currently appropriates \$800,000 of its funding to the IN CASA program. This money is then allocated by the central office to the 69 programs that are currently operational. The allocation is based on a statutory formula. The formula requires that programs receive a minimal funding amount of \$2,000 per year. Programs raise funds to cover remaining program maintenance expenditures. State law requires a CASA representative be appointed in certain cases. Counties that do not have a CASA program often appoint a lawyer as the CASA worker.

Explanation of State Revenues:

Explanation of Local Expenditures: *Increased Court Time:* The bill requires that a court hold a hearing to determine whether an order granting visitation should be modified upon the request of a CASA or *guardian ad litem*. This could result in additional court time, however, any increase is likely minimal.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts.

Information Sources: GAL/CASA Website: <http://www.in.gov/judiciary/galcasa/about.html>; Leslie Rogers, Department of State Court Administration; Jane Bisbee, FSSA.

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